

### REMARKS

Applicants have amended claims 1, 8, 9, 15, 18, 27, 30, 33, 36, 37, and 43. Applicants acknowledge the Examiner's allowance of claims 1-5, 7, 10-13, and 21-26.

Claims 1-5, 7-13, 15, 18, and 21-44, of which claims 1, 8, 9, 15, 18, 21, 26, 27, 30, 33, 36, 37, and 43 are independent in form, are presented for examination.

### Formal Drawings

Applicants filed formal drawings in this application on December 8, 2000. Applicants request that the Examiner provide written confirmation that these formal drawings have been accepted by the Examiner.

### Claim Rejections – 35 U.S.C. § 112

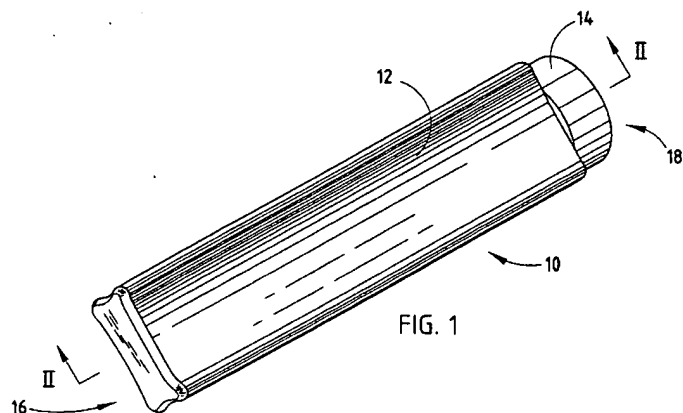
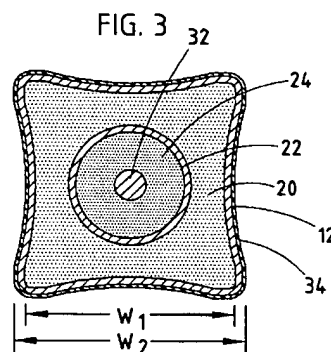
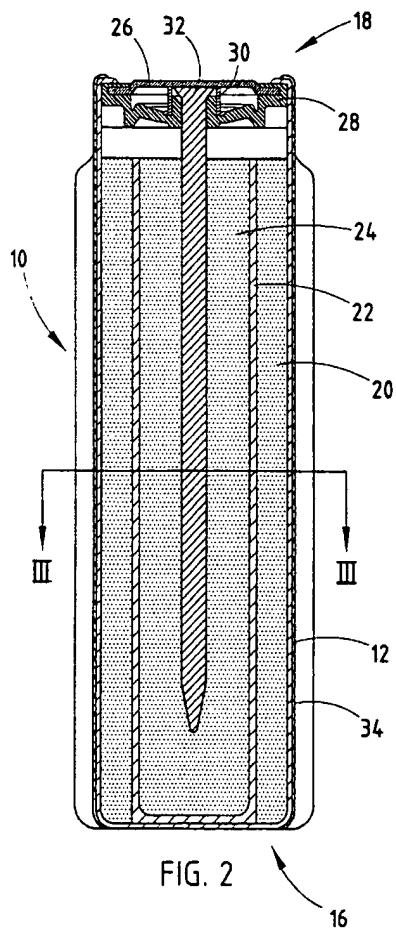
The Examiner has rejected claims 30, 36, and 43 as indefinite under 35 U.S.C. § 112, second paragraph. Applicants have amended claims 30, 36, and 43 in response to the Examiner's rejection, and request that the rejection be withdrawn.

### Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 27-29, 31-35, 37-42, and 44 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,248,472 (Keleman). As amended, claims 27-29, 31-35, 37-42, and 44 all recite a battery system comprising a battery comprising a can having a longitudinal axis, a length that is parallel to the longitudinal axis, and a cross section relative to the longitudinal axis that is polygonal for substantially the entire length of the can.

But Keleman does not anticipate claims 27-29, 31-35, 37-42, and 44, at least because Keleman does not disclose a battery including a can with a longitudinal axis, a length that is parallel to the longitudinal axis, and a cross section relative to the longitudinal axis that is polygonal for substantially the entire length of the can. Keleman discloses an electrochemical cell having a non-cylindrical container with one or more side walls that each have a curved surface. (See, e.g., Keleman, Abstract.) The curved surface curves radially inward. (See id.)

As FIGS. 1-3 of Keleman (reproduced below) show, Keleman's battery does not include a can having a cross section relative to a longitudinal axis of the can that is polygonal for substantially the entire length of the can. Rather, Keleman's battery has a can 12 with a "rectangular configuration with four side walls extending between the top and bottom ends [18 and 16], . . . each side wall [having] an inwardly curved surface." (*Id.*, col. 3, lines 8-14.) Keleman's can clearly has a curved cross-section, rather than a polygonal cross-section, for substantially its entire length:



In fact, Keleman specifically designed his battery not to have a polygonal cross-section for substantially the entire length of its can. According to Keleman, prismatic batteries with a “substantially rectangularly configured steel can” can bulge as a result of pressure build-up. (See id., col. 1, lines 54-67.) This bulging can, for example, lead to difficulties in removing the battery from a device and/or a decrease in the electrochemical performance of the battery. (See id.) However, Keleman claims that because his battery has a can with a curved cross-section, his battery experiences less can deformation (e.g., bulging) than a prismatic battery with a rectangular can. (See id., col. 2, lines 5-14.)

For at least the reasons provided above, Keleman fails to disclose the batteries of claims 27-29, 31-35, 37-42, and 44. Applicants accordingly request that the rejection of these claims be withdrawn.

### **Double Patenting**

The Examiner has rejected claims 8, 9, 15, and 18 under the judicially created doctrine of double patenting over claims 1, 3, 17, and 19 of U.S. Patent No. 6,265,104 B1. In response to this rejection, Applicants are filing a Terminal Disclaimer concurrently with this Amendment. Applicants accordingly request that the rejection of claims 8, 9, 15, and 18 be withdrawn.

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Applicants believe that the claims are in condition for allowance, which action is requested. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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